



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Dr. Geo. W. Cox
State Health Officer
State Board of Health
Austin, Texas

Dear Sir:

Opinion No. O-4832
Re: Appropriation for Bureau of
Vital Statistics.

S. B. 423, Acts Regular Session, 47th Legislature, provides, following the itemized appropriation for the State Board and Department of Health, that:

"Subject to the limitation appearing at the end of this Act, all fees received under the provisions of Article 4477, Rule 54a, and deposited to the Vital Statistics Fund are hereby appropriated for each year of the biennium beginning September 1, 1941, for the uses and purposes prescribed by the above Act, and any amendments thereto, including salaries, maintenance, travel and contingent expense. This appropriation shall be in addition to the itemized appropriations herein made for the Bureau of Statistics."

Article 4477, Rule 54a, provides for the deposit of certain fees, collected by the State Registrar, by the State Treasurer in a special and separate fund known as the "Vital Statistics Fund, and authorize the use of the Fund to defray expenses incurred in the enforcement and operation of the Vital Statistics Act.

Your letter of September 10th advises that there remained an unexpended balance in this Fund on August 31, 1942, and asks the opinion of this Department as to whether this balance, under the rider on the current appropriation to your department, may be expended during the current fiscal year to defray expenses incurred in administering the Vital Statistics Act.

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Your question is answered in the affirmative. The rider appropriates "for each year of the biennium" all fees received and deposited to the credit of the Vital Statistics Fund. There is nothing in this language, or elsewhere in the Departmental Appropriation Bill, indicating a legislative intent that fees collected during the first fiscal year should be available for expenditure only during that year. On the contrary, the fees are appropriated for "each" year of the biennium, which, in the absence of circumstances indicating a contrary intention, must be construed as rendering fees collected during the first fiscal year available for expenditure during "each" fiscal year.

APPROVED SEP 14, 1942

Yours very truly

ATTORNEY GENERAL OF TEXAS

Samuel R. Miller
FIRST ASSISTANT
ATTORNEY GENERAL

By

R. W. Fairchild
R. W. Fairchild
Assistant

RWF:LM

